

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10218 of 2019**

Arising Out of P.S. Case No.-5 Year-2018 Thana- UJIYARPUR District- Samastipur

Santosh Sah, son of Kamindra Sah @ Dhodhai Sah, resident of village-Dhankaul, P.S. Patepur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navesh Nandan, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 27-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was rejected vide order dated 07.09.2018 passed in Cr.Misc.No.39641 of 2018. Petitioner is languishing in judicial custody since 05.03.2018 in connection with Sessions Trial No.545 of 2018 arising out of Ujiarpur P.S.Case No.05 of 2018 for the offence under Sections 307, 323, 325 and 341/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code has been added.

The prosecution case as lodged by the informant is that his daughter Radha Devi was married to the petitioner on 10.03.2013 and due to constant fighting, she came to her parental house since one and half years. It is alleged that petitioner came to visit her house frequently and on the fateful day, he called his wife to a lonely place and strangulated her.



She was found in the Jungle and during course of treatment she succumbed.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that there is no eye witness to the alleged occurrence and a divorce case being Divorce Case No.175 of 2016 has been filed before the Principal Judge, Family Court, Vaishali at Hajipur and both were living separately. He further submits that charges have been framed and the petitioner undertakes to cooperate in the trial as and when required.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner is languishing in judicial custody since more than a year, there being no eye witness to the alleged occurrence, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sessions Trial No.545 of 2018 arising out of Ujiarpur P.S.Case No.05 of 2018 to the satisfaction of learned Additional District Judge, Dalsinghsarai, District- Samastipur, subject to the following



conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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